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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,247	07/02/2003	Guy R. Dingman	2835-71783	3358
23643	7590	06/16/2004	EXAMINER	
BARNES & THORNBURG 11 SOUTH MERIDIAN INDIANAPOLIS, IN 46204			BARFIELD, ANTHONY DERRELL	
			ART UNIT	PAPER NUMBER
			3636	

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Applicant No.</b>	<b>Applicant(s)</b>
	10/612,247	DINGMAN ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Anthony D Barfield	3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1-9 is/are allowed.
- 6) Claim(s) 10-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2,3</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 10-15 and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Katsuyama et al. Katsuyama et al. shows the use of a safety buckle (1) having a buckle housing (2) formed to define an actuator aperture, an insertion aperture, and an interior cavity in communication with the actuator aperture and the insertion aperture (see Fig. 1), an actuator (16,17) positioned within the interior cavity of the buckle housing and formed to include a button (16) positioned, at least in part, within the actuator aperture, a belt-anchor catch (6) coupled to the button, and a pivot arm (17g) coupled to the button and the belt-anchor catch for movement about a pivot axis (see Fig. 18) with the button and belt-anchor catch, an ejector spring (8) having a first end coupled to the buckle housing and a second end configured to engage a belt

anchor (4) of the buckle in the locked position. The belt anchor catch defines an opening formed to receive a portion of the ejector spring therein (see Fig 16) which lies centrally of tow spaced apart sidewalls (18a,18b). The anchor catch has a bight member (6a) which is aligned with the ejector spring while a locking spring (20) is positioned between the anchor catch and buckle housing ( see Fig. 17).

3. Claims 10, and 14-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Woellert et al. shows the use of a safety buckle (10) having a buckle housing (12) formed to define an actuator aperture, an insertion aperture, and an interior cavity in communication with the actuator aperture and the insertion aperture (see Fig.1), an actuator (36,50) positioned within the interior cavity of the buckle housing and formed to include a button (116) positioned, at least in part, within the actuator aperture, a belt-anchor catch (36) coupled to the button, and a pivot arm (50) coupled to the button and the belt-anchor catch for movement about a pivot axis (see Fig. 7) with the button and belt-anchor catch, an ejector spring (68,70) having a first end coupled to the buckle housing and a second end configured to engage a belt anchor (132) of the buckle in the locked position. Woellert further shows the use of a first and second anchor which engage first and second respective ejector springs (68,70). A locking spring (32,34) is positioned between a bottom wall of the buckle housing and belt anchor.

*Allowable Subject Matter*

4. Claims 1-9 are allowed over the prior art made of record.

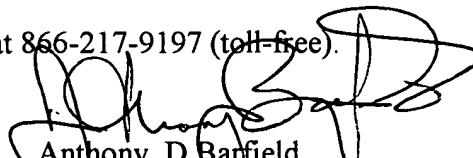
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***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Reference No. 5,781,971 and 5,979,026 show other buckles.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony D Barfield whose telephone number is 703-308-2158. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Anthony D Barfield  
Primary Examiner  
Art Unit 3636

adb  
June 13, 2004